

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No. 964 of 2015 (O&M)

DATE OF DECISION : 10.08.2015

Baldev Singh

.... APPELLANT

Versus

State of Punjab and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Sharwan Sehgal, Advocate, for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 14.01.2013 passed by the learned Single Judge, whereby the writ petition (CWP No. 15929 of 2011) filed by the appellant challenging the order dated 14.01.2010 (Annexure P-12) passed by the Divisional Soil Conservation Officer, Hoshiarpur (respondent No.4 herein), vide which apart from reducing the pay of the appellant recovery has also been effected, has been dismissed.

There is a long delay of 832 days in filing the instant appeal and the appellant has filed an application (CM No. 2015-LPA of 2015) for condoning the said delay.

In this case, ACP was wrongly granted to the appellant.

Subsequently, the said benefit was withdrawn and recovery was ordered to

be effected from the appellant.

It has not been disputed during the course of arguments that ACP was wrongly granted to the appellant and he was not entitled for the same. It has also been admitted that in this case, recovery has already been effected from the appellant.

In view of the aforesaid admitted position and the law laid down by the Apex Court in **Chandi Prasad Uniyal and others versus State of Uttarakhand and others** 2012 (7) SCC 417, there is no merit in the instant appeal. Even otherwise, we do not find any sufficient ground to condone the delay of 832 days in filing this appeal.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

August 10, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE